

SEP 14 2011

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	
VS.)	
)	CAUSE NO. C-1911
UNICARE LIFE AND HEALTH)	
INSURANCE COMPANY,)	
)	
RESPONDENT.)	
)	

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Eric Dunning, and Unicare Life and Health Insurance Company ("Respondent") mutually stipulate and agree as follows:

JURISDICTION

1. The Department of Insurance has jurisdiction and control over Respondent pursuant to Neb.Rev.Stat. §44-101.1, et seq.

2. The Department of Insurance has jurisdiction and control over Respondent pursuant to Neb.Rev.Stat. §44-101.1, et seq. The Department has jurisdiction over these matters pursuant to the Unfair Insurance Trade Practices Act, Neb. Rev. Stat. §§ 44-1521 through 44-1535, the Unfair Insurance Claims Settlement Practices Act, Neb. Rev. Stat. §§ 44-1536 through 44-1544, and Chapter 60 of Title 210 of the Nebraska Administrative Code.

3. Respondent was licensed to engage in the business of insurance in the State of Nebraska as a foreign insurer at all times material to this action.

STIPULATIONS OF FACT

4. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Unicare Life and Health Insurance Company on August 25, 2011. A copy of the petition was served upon the Respondent by sending a copy to Respondent's agent for service of process, and by sending a copy to Respondent's business addresses registered with the Department, by certified mail, return receipt requested.

5. The petition alleges that Respondent violated Neb. Rev. Stat. § 44-1525(11) as a result of the following conduct:

- a. On or about April 4, 2011 Carol McDermitt ("McDermitt"), an insurance investigator with the Nebraska Department of Insurance, sent Respondent an inquiry letter. On April 28, 2011 Rose Rotress, representing Respondent, contacted McDermitt stating that Respondent did not receive the inquiry until April 12, and requested that Respondent be given any extension to May 9, 2011, which McDermitt allowed. On May 2, 2011, a follow-up letter was sent to Respondent. The Department of Insurance received no response. On May 31, 2011 a certified letter was sent to Respondent. The Department of Insurance received no response.

6. Respondent was informed of its right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving its right to a public hearing, Respondent also waives its right to confrontation of witnesses, production of evidence, and judicial review.

7. Respondent admits the allegations contained in the Petition and restated in paragraph 5 above.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. § 44-1525(11)

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent that:

- (1) Respondent agrees to pay an administrative penalty of \$1,000; and

In witness of their intention to be bound by this Consent Order, each party has

Eric B. Dunning
Department of Insurance
941 O Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

Jennifer Gilmore
Unicare Life & Health Insurance Co.
By: Jennifer Gilmore
Respondent's Representative

Date _____

Date _____

State of ~~Illinois~~ Missouri)
County of Cape Girardeau) ss.

On this 12th day of Sept, 2011, Jennifer D Gilmore personally appeared before me on behalf of Unicare Life and Health Insurance Company and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Diana K. DeBrock
Notary Public

Diana K. DeBrock
Notary Public-Notary Seal
State of Missouri
Bollinger County
My Commission Expires: Aug. 19, 2015
Commission# 11203080

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of the State of Nebraska Department of Insurance vs. Unicare Life and Health Insurance Company, Cause No. C-1911.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Ramge
Director of Insurance

Date: 9-14-2011

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed consent order was served upon Respondent by mailing a copy to Respondent at 233 South Wacker Drive, Suite 3900, Chicago, IL 60606, by certified mail, return receipt requested, on this 14th day of September 2011.


Notary Public